

## IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 09-0614

FILED

DEC 02 2009

LAWRENCE ROEDEL,

Petitioner and Appellant,

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

v.

ORDER

STATE OF MONTANA,

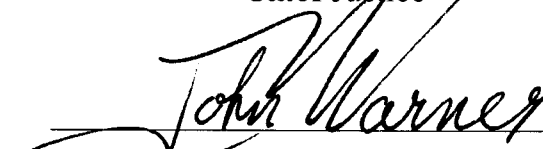
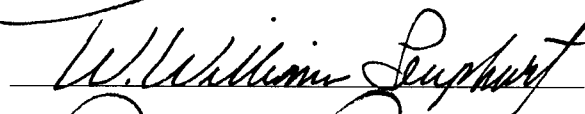
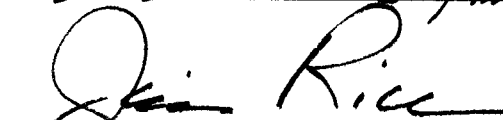
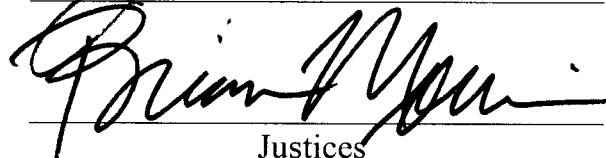
Respondent and Appellee.

Petitioner Lawrence Roedel (Roedel) has filed a motion for appointment of postconviction counsel in this appeal. Roedel is serving 90 years for a 2006 deliberate homicide conviction and was represented by the Office of Appellate Defender in his appeal of the conviction. He maintains that he cannot afford to retain counsel, and that he believes the State has an obligation to appoint counsel.

Section 46-8-104, MCA, provides for appointment of counsel in postconviction actions under limited circumstances. In the petition before us, Roedel has failed to demonstrate circumstances warranting appointment of counsel, such as a hearing having been scheduled or the existence of extraordinary circumstances. Therefore,

IT IS ORDERED that the request for appointment of counsel is DENIED.

DATED this 15 day of December, 2009.

  
Chief Justice  
John Warner  
William Leaphart  
Jean Rice  
Brian Yarn

Justices